

REMARKSStatus of the Claims

Claims 1-33 and 56 were pending in this application and have been examined.

Claims 1, 2, 4-6, 9-11, 16-19, 21-23, 25-28, 33, and 56 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,166,730 ("Goode"). Claims 12, 13, 15, 29, 30, and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Goode and several features for which the Examiner has taken Office Notice. Applicants traverse these rejections.

Claims 3, 7, 8, 14, 20, 24, and 31 were objected to as being dependent upon a rejected base claim, but were stated to be free of the art.

In this response, claims 1, 3, 4, 8, 10, 11, 13, 14, 18, 20, 21, 23, 26, 29-32, and 56 have been amended. Claims 34-55, which were directed to non-elected subject matter and were previously withdrawn from consideration, have been canceled herein without prejudice. Claims 7 and 24 have also been canceled without prejudice. Claims 57-116 have been newly added.

Claims 1-6, 8-23, 25-33, and 56-116 thus remain in this application for further examination.

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Rejections of Claims 1, 2, 4-6, 9-13, 15-19,  
21-23, 25-30, 32, 33, and 56 Have Been Obviated

Applicants note with appreciation the indication of allowable subject matter in, *inter alia*, claims 7, 8, and 24.

Solely to advance this application to allowance, applicants have amended independent claims 1 and 18 to incorporate the allowable subject matter of their respective dependent claims 7 and 24. No new matter has been added by these amendments. Claims 7 and 24 have been canceled without prejudice.

Claims 3, 4, 8, 10, 11, 13, 14, 20, 21, 23, 26, 29-32, and 56 have also been amended herein. These amendments do not narrow the scope of these claims, but merely serve to clarify the claims, or to change references to parent claims. These amendments do not add new matter.

Applicants submit that because amended claims 1 and 18 each include subject matter that was deemed allowable, applicants respectfully submit that these claims are in condition for allowance. Dependent claims 2-6, 8-17, 19-23, 25-33, and 56 are also patentable for at least the reasons that claims 1 and 18 are patentable.

Therefore, applicants submit that the rejections of 1-6, 8-23, 25-33, and 56 have been obviated, and respectfully request withdrawal of these rejections. Applicants reserve the right to pursue the subject matter

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31

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of any of the claims before amendment and any of the canceled claims in one or more continuing applications.

Newly-Added Claims 57-88

Applicants note with appreciation the indication of allowable subject matter in, *inter alia*, claims 3 and 20.

Applicants have newly added, *inter alia*, claims 57-88. Independent claim 57 corresponds to original claim 3 rewritten in independent form, including all the features of its original base claim. Likewise, independent claim 73 corresponds to original claim 20 rewritten in independent form, including all the features of its original base claim. New claims 58-72 correspond to claims 2 and 4-17, respectively. New claims 74-88 correspond to claims 19-23, 25, 56, and 26-33, respectively. Thus, newly-added claims 57-88 are supported by the claims and specification as originally filed, and thus no new matter has been introduced by these claims.

Because newly-added claims 57 and 73 each recite subject matter that was deemed allowable, applicants respectfully submit that these claims are in condition for allowance. Newly-added dependent claims 58-72 and 74-88 are also patentable for at least the reasons that claims 57 and 73 are patentable.

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Newly-Added Claims 89-116

Applicants note with appreciation the indication of allowable subject matter in, *inter alia*, claims 14 and 31.

Applicants have newly added, *inter alia*, claims 89-116. Independent claim 89 corresponds to original claim 14 rewritten in independent form, including all the features of its original base claim and intervening claims. Likewise, independent claim 103 corresponds to original claim 31 rewritten in independent form, including all the features of its original base claim and intervening claims. New claims 90-102 correspond to claims 2-11 and 15-17, respectively. New claims 104-116 correspond to claims 19-25, 56, 26-28, 32, and 33, respectively. Thus, newly-added claims 89-116 are supported by the claims and specification as originally filed, and thus no new matter is introduced by these claims.

Because newly-added claims 89 and 103 each recite subject matter that was deemed allowable, applicants respectfully submit that these claims are in condition for allowance. Newly-added dependent claims 90-102 and 104-116 are also patentable for at least the reasons that claims 89 and 103 are patentable.

Applicants' Reply to the Office  
Action's Uses of Official Notice

In rejecting claims 12, 13, 15, 29, 30, and 32 under 35 U.S.C. § 103(a) over Goode, Official Notice had been taken that it would have been well-known "to include a logging out of session to provide more secure system by ensuring others cannot access a user's session." (Office Action at page 4.) Official Notice had also been taken that it would have been well-known "to up-load personal media to a server to enable other's to access the personal media on request." (*Id.* at page 5.)

It was further contended in the Office Action that it would have been obvious to modify Goode with these allegedly well-known features for the reasons stated therein.

Although the rejections of claims 12, 13, 15, 29, 30, and 32 have been obviated, as discussed hereinabove, applicants nonetheless submit that the Official Notices taken in the Office Action are not justified. Official Notice only may be taken if the facts outside of the record are "capable of instant and unquestionable demonstration as being 'well known' in the art" (MPEP § 2144.03). Applicants also respectfully submit that the absence from the prior art of record showing or suggesting applicants' claimed approach belies the assertion of Official Notice in the Office Action. If the subsequent Office Action maintains this rejection, applicants respectfully request that a reference be provided in support of the Official


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Notice used in rejecting claims 12, 13, 15, 29, 30, and 32,  
as is applicants' right under MPEP § 2144.03.

**CONCLUSION**

The foregoing demonstrates that all of the  
pending claims are patentable and are in condition for  
allowance. Reconsideration and allowance of the  
application is respectfully requested.

Respectfully submitted,



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